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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636,003	08/09/2000	Andrew J. Layman	MS1-520US	5416

22801 7590 09/19/2005

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EXAMINER

NGUYEN, QUANG N

ART UNIT PAPER NUMBER

2141

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/636,003

Applicant(s)

LAYMAN ET AL.

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-35, 37-47 and 49-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-35, 37-47 and 49-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 20050909.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Detailed Action

1. This Office Action is in response to the Communication filed on 09/06/2005. No claims have been amended. Claims 1-17, 19-35, 37-47 and 49-79 remain for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 6-13, 19, 22, 24-31, 37, 42, 44-47, 49-54, 64, 68 and 70-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuisz et al. (US 6,389,455), hereinafter referred as Fuisz, in view of Gupta et al. (US 6,567,857), hereinafter referred as Gupta.

4. As to claim 1, Fuisz teaches:

generating a message envelope (*by taking the advantage of the RFC 822, the 822 message is wrapped in an "envelope" called a "data envelope" or a "message envelope" and transferred between servers*) (Fuisz, C4: L65-67); and

generating contents of the message envelope (*i.e., generating a header and body of the message envelope*), the contents comprising data structures, each data structure identifies which entity is intended to process the data structure when that entity receives the message envelope over the network (*i.e., header comprising data structures, e.g., header fields according to RFC 822 such as "From", "Subject", "Sender", "To" - primary recipients, "CC" - secondary recipients, "Bcc" - blind carbon recipients, "Received", "Date", "Return-Path", "Options", etc., wherein optional-fields may be defined and used on Internet security, suggested routing path, previous routing path, time stamps, and among other things, updated by every Mail Transfer Agent "MTA" and bounce hub which is intended to identify the type of the message, to obtain any necessary forwarding information and to process the message accordingly as the message passes through*) (Fuisz, C4: L19-31; C4: L65 - C515; RFC 822, pages 17-18).

However, Fuisz does not explicitly teach where in at least one of the data structures includes an explicit request for that entity to perform a task.

In a related art, Gupta teaches a method and system for modifying a message by inserting one or more "thru-proxy" tags into a header or data portion of the message to identify another possible destination or node (*e.g., to identify an intermediate or ultimate destination*) such that the message is sent to the destination specified in the proxy tag for performing a specific task to the message such as to identify a reliable, assured server-side proxy for content rewriting, including composing from multiple pages and per-user group customization; to identify a secure proxy for decrypting the message before it is forwarded onto the next location; or to identify a distill proxy for transforming

an image's resolution to accommodate handheld devices with limited video capability

(Gupta, C8:L64 – C9:L10, C11: L1-7 and C12:L65 – C13:L8).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Fuisz and Gupta to have at least one of the data structures includes an explicit request for that entity to perform a task since such methods were conventionally employed in the art to provide the system a mechanism to dynamically alter a path of a message by inserting a thru-proxy tag (into a header or data portion) to identify a destination or node such that the message is sent to the destination in the proxy tag for performing a specific task.

5. Claims 19, 37, 49-54 and 64 claim similar limitations to that of claim 1 and are rejected on the same grounds as claim 1 and Fuisz-Gupta further teaches:

transmitting a message envelope of a message from an origin entity to a destination entity via one or more intermediate entities on the network (Fuisz, Fig. 1 and C3:L55 - C4:L31);

parsing a message envelope and its contents (*bounce hub extracts "to" and "from" information*) (Fuisz, C5: L19-28); and

the message comprising at least one request by one entity on a network of another entity on the network to perform a task (*it is inherent that the receiving computer is to handle the email in some fashion*).

6. As to claim 4, Fuisz-Gupta teaches the method of claim 1 and further teaches a header data structure and a body data structure wherein the body data structure including message data (*"Official Notice" is taken that both the concept and advantages of having the body of a message contain message data are well known and expected in the art*) (Fuisz, C4: L65-67).

7. Claims 22, 42, and 68 claim similar limitations to that of claim 4 and are rejected on the same grounds as claim 4.

8. As to claim 6, Fuisz-Gupta teaches the method of claim 1, wherein the header data structure being intended for at least one intermediate entity and the body data structure is intended for a destination entity (*header and body structures, header is set off from the body, header is updated by Mail Transfer Agents and bounce hut, body can be left for recipient*) (Fuisz, C4:L65 - C5:L5 and C5: L29-34).

9. Claims 24, 44 and 70 claim similar limitations to that of claim 6 and are rejected on the same grounds as claim 6.

10. As to claim 7, Fuisz-Gupta teaches the method of claim 1, further comprising sending the message envelope to an entity on a network (Fuisz, Fig. 1, C3: L55-67).

11. Claim 71 claims similar limitations to that of claim 7 and is rejected on the same grounds as claim 7.

12. As to claim 8, Fuisz-Gupta teaches the method of claim 1, wherein the data structures lack executable instructions for performing the task (*i.e., header comprising data structures such as "From", "Subject", "Sender", "To", "Cc", "Bcc", etc., do not contain executable instructions for performing the task*).

13. Claims 25, 45 and 72 claim similar limitations to that of claim 8 and are rejected on the same grounds as claim 8.

14. As to claims 9-10, Fuisz-Gupta teaches the method of claim 1, wherein the data structures are expressed in a markup language, i.e., XML (Gupta, C8: L57-61).

15. Claims 27-28, 46-47 and 73-74 claim similar limitations of that of claims 9-10 and are rejected on the same grounds as claims 9-10.

16. As to claims 11-13, Fuisz-Gupta teaches the method of claim 1, further comprising formatting, binding the message envelope into a HTTP request/response and sending the message envelope to an entity on the network using HTTP (Gupta, C11: L1-7).

17. Claims 29-31 and 75-77 claim similar limitations of that of claims 11-13 and are rejected on the same grounds as claims 11-13

18. As per claim 26, Fuisz-Gupta teaches the method of claim 19 and further teaches at least one of the data structures including a request for an intermediate entity to perform a task (*header is updated by every mail transfer agent and the bounce hub*) (Fuisz, C4:L65 - C5:L10 and C5: L19-34).

19. Claims 2, 20, 38, 55-63 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuisz-Gupta, in view of Lefebvre et al. (US 2002/0010665 A1), herein after referred as Lefebvre.

20. As per claim 2, Fuisz-Gupta teaches the method of claim 1, but does not explicitly teach data structures specifying whether the entity intended to process the data structure must understand the data structure.

In a related art, Lefebvre teaches data structures specifying whether the entity, intended to process the data structure must understand such data structure (*a DTD is used to specify the rules a document must conform to and is used in grammatically analyzing the document, a DTD is not required in all documents*) (Lefebvre, paragraphs [0116-0121]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Fuisz-Gupta and Lefebvre to include specifying if an entity should understand a data structure it is to process because for important messages communicated, specifying the need for understanding ensures the document is formatted with respect to the rules so that it is much less prone to having or causing errors (Lefebvre, page 10, paragraph [0116]).

21. Claims 20, 38, and 65 claim similar limitations to that of claim 2 and are rejected on the same grounds as claim 2.

22. Claims 55, 58 and 61 are corresponding combination claims of claims 1-2; therefore, they are rejected under the same rationale.

23. Claims 56-57, 59-60 and 62-63 are corresponding claims of claims 9-10; therefore, they are rejected under the same rationale.

24. Claims 3, 5, 14-17, 21, 23, 32-35, 41, 43, 67, 69 and 78-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuisz-Gupta, and further in view of Connolly (Hypertext Markup Language - 2.0).

25. As per claim 17, Fuisz-Gupta teaches the method of claim 4, but does not explicitly teach the message envelope format having envelope, header, or body tags, expressing the data in XML.

In a related art, Connolly teaches:

a message envelope having the format of:

<Envelope label>

<Header label>

header data

</Header label>

<Body label>

message data

</Body label>

</Envelope label> (section 3.4);

the <Envelope label> being a beginning envelope tag, the </Envelope label> being an ending envelope tag, and the Envelope label identifying the message envelope (*start-tags are delimited by '<' and '>', like <HTML>, and end-tags are delimited by '</' and '>', like </HTML>, wherein start and end tags identify the start and end of an element; page 7, 5th definition; page 9, 2nd definition; section 3.2.2, paragraph 1*);

the <Header label> being a beginning header tag, the </Header label> being an ending header tag, and the Header label identifying the header data structure (*start-tags are delimited by '<' and '>', like <HEAD>, and end-tags are delimited by '</' and '>', like </HEAD>, wherein start and end tags identify the start and end of an element; page 7, 5th definition; page 9, 2nd definition; section 3.2.2, paragraph 1*); and

the <Body label> being a beginning body tag, the </Body label> being an ending body tag, and the Body label identifying the body data structure (*start-tags are delimited by '<' and '>', like <BODY>, and end-tags are delimited by '</' and '>', like </BODY>, wherein start and end tags identify the start and end of an element; page 7, 5th definition; page 9, 2nd definition; section 3.2.2, paragraph 1*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include tags to define the beginning and end of a data structure, as taught by Connolly, in the Fuisz-Gupta invention because tags delimit elements and

allow for the definition of the content in an element, as taught by Connolly (section 3.2.2).

26. Claims 3, 5, 14-16, 21, 23, 32-35, 41, 43, 67, 69 and 78-79 contains limitations that are either similar to, or contained within, claim 17 and are rejected on the same grounds as claim 17.

27. Claims 39-40 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuisz-Gupta, and further in view of Morelli (US 5,838,720).

28. As to claims 39-40, Fuisz-Gupta teaches the method of claim 38, but does not explicitly teach specifying error notification in the data structure.

In a related art, Morelli teaches the data structures specifying whether the entity that is intended to process the data structure must respond if it does not understand such data structure (*determines if the packet is the type that requires a response if errors are detected*) (Morelli, C9: L1-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Fuisz-Gupta and Morelli to include sending an error notification (*i.e., a response message*) to the sending entity, as taught by Morelli, because that way a sender of the data structure can flag critical information, forcing recipients to respond if there is an error, letting the sender know that the critical information was not correctly handled.

29. Claim 66 claims similar limitations to that of claim 39 and is rejected on the same ground as claim 39.

Response to Arguments

30. In the remarks, Applicant argued in substance that

(A) Prior Arts do not teach or suggest that at least one of the data structures includes an explicit request for the entity to perform a task", as recited in claim 1.

As to point (A), **Gupta** teaches a method and system for modifying a message by inserting one or more "thru-proxy" tags into a header or data portion of the message to identify another possible destination or node (*e.g., to identify an intermediate or ultimate entity*) such that **the message is sent to the destination/entity specified in the proxy tag for performing a specific task to the message** such as to identify a reliable, assured server-side proxy for content rewriting, including composing from multiple pages and per-user group customization; or to identify a secure proxy for decrypting the message before it is forwarded onto the next location; or to identify a distill proxy for transforming an image's resolution to accommodate handheld devices with limited video capability (**Gupta, C8:L64 – C9:L10, C11: L1-7 and C12:L65 – C13:L8**).

Hence, Prior Arts do teach or suggest that at least one of the data structures includes an explicit request for the entity to perform a task, as recited in claim 1.

31. Applicant's arguments as well as request for reconsideration filed on 09/06/2005 have been fully considered but they are not deemed to be persuasive. In response to applicant's argument that these thru-proxy tags simply describe the path of communication and/or the (intermediate or final) destination (entity) of the message which eventually perform a task and are not described as including explicit requests for an entity to perform a task, **a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.**

32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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SUPERVISORY PATENT EXAMINER